

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, :  
 : WAIVER OF SERVICE  
 : OF SUMMONS  
 Plaintiff, :  
 : 07 Civ. 9234  
 v. :  
 :  
 BANK OF CYPRUS PUBLIC COMPANY :  
 LIMITED, :  
 :  
 Defendant. :  
 :  
----- -x

TO: Rua M. Kelly  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of New York  
One Saint Andrew's Plaza, 3<sup>rd</sup> floor  
New York, New York 10007

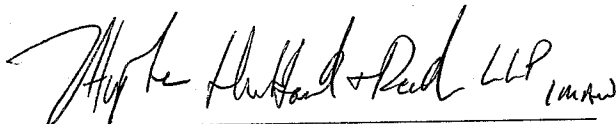
We acknowledge receipt of your request that the Bank of Cyprus Public Company Limited waive service of summons in this action. We have also received a copy of the complaint in this action, one copy by Federal Express and one copy by email, and a means by which we can return the signed waiver to you without cost to the Bank of Cyprus Public Company Limited.

We agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that we (or the entity on whose behalf we are acting) be served with judicial process in the manner provided by Rule 4.

We (or the entity on whose behalf we are acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

We understand that a judgment may be entered against the defendant if an answer, motion or other response permitted under any applicable Federal Rule of Civil Procedure is not served upon you within the allotted time frame under the Federal Rules of Civil Procedure if the request was sent outside the United States.

Date: October 17, 2007

A handwritten signature in dark ink, appearing to read "Marc A. Weinstein" followed by "LLP" and a small mark that looks like "(maw)".

Hughes Hubbard & Reed LLP  
By: Marc A. Weinstein, Esq.

Printed/typed name:

#### **Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that

lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when he request for waiver of service was received.